

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
XAVIERA MARBURY, *individually and on behalf of*
others similarly situated,

Plaintiff,

-v-

PACE UNIVERSITY,

Defendant.
-----X

20-CV-3210 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On October 27, 2020, Defendant filed a motion for judgment on the pleadings as to Plaintiff's claims under Rule 12(c) of the Federal Rules of Civil Procedure. *See* ECF No. 38. The Court hereby grants Plaintiff leave to amend her Complaint under Federal Rule of Civil Procedure 15(a)(2) to correct any deficiencies identified in Defendant's motion.


In particular, it is hereby ORDERED that Plaintiff shall file any amended complaint by **November 17, 2020**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion for judgment on the pleadings.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion for judgment on the pleadings; or (3) submit a letter to the Court, copying Plaintiff, stating that it relies on the previously filed motion for judgment on the pleadings. If Defendant files an answer or a new motion for judgment on the pleadings, the Court will deny the previously filed motion as moot.

It is further ORDERED that if no amended complaint is filed, Plaintiff shall serve any opposition to the motion for judgment on the pleadings by **November 17, 2020**. The City's reply, if any, shall be served by **November 24, 2020**.

SO ORDERED.

Dated: October 28, 2020
New York, New York



JESSE M. FURMAN
United States District Judge